



**Legislative
Research
Council**

Employee Personnel Manual

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Legislative Research Council

Welcome to the Legislative Research Council.

The South Dakota Legislative Research Council (LRC) was established by action of the 1951 Legislature.

By statute, the LRC consists of all members of the Legislature. It is the function of the LRC to consider legislative policies between sessions. The council is directed by a fifteen-member executive board, consisting of eight representatives and seven senators who are elected by their respective houses. Informally, the caucuses select members for the executive board so that each party is represented. The executive board employs the director, the code counsel and the staff of the LRC.

The LRC staff provides research and fiscal services to individual legislators, including technical assistance in drafting legislation. The LRC staff and their services are the backbone of all functions and activities of the South Dakota Legislature. Without the LRC staff, the Legislature could not operate or assert itself as an independent and effective branch of state government.

The LRC staff is the core resource for the South Dakota Legislature. It provides legislators and their committees with the services needed to operate the Legislature such as bill and amendment drafting, rules review, fiscal analysis, committee support, policy research, and computer systems.

The employees of the LRC are employed on an at-will basis. LRC employees and their conditions of employment are not subject to the state's civil service rules. The at-will employment status of legislative employees is common to all state legislatures. The State legislature may set its own conditions of employment for legislative staff, but it also typically borrows heavily from executive branch practices, including salary policy and benefits packages.

This manual provides information to you about your employment with the LRC.

Disclaimer

This personnel manual is intended to provide general information to LRC employees. This manual does not provide employment information for session employees, temporary staff or legislative interns.

The policies and information described in this manual are not conditions of employment, and the language is not intended to, nor does it, create a contract between the Executive Board of the LRC and the employee. The Executive Board reserves the right to change or eliminate any of the policies or information in this manual at its discretion with or without notice.

Some of the statements in this manual are general in nature and should not be read to include all the details on the subject discussed.

The Executive Board or the director of the LRC, or both, reserves the right to discipline an employee according to state laws or this manual. Each employee of the LRC serves at the pleasure of the Executive Board pursuant to SDCL § 2-9-8 and may be disciplined at any time and for any reason.

Any employee handbook or manual previously distributed by the LRC is revoked and the provisions are void.

This manual is not an exhaustive list of all employee obligations.

If you have questions about the employee handbook or this disclaimer, please contact the director of the LRC.

The manual is updated regularly by the LRC. To receive or review a current copy of the manual, you may access it on the LRC's website.

Mission

The mission of the LRC is to provide to the members of the Legislature legal analysis, fiscal analysis, and advice in addition to research, drafting, and budget services in a professional, confidential, and nonpartisan manner.

Services We Provide

The staff of the LRC provides the following services: bill and amendment drafting; research for the development of legislation; legal and fiscal research and analysis; budget analysis; federal and state case law research; legal and fiscal services for legislative committees; resolution drafting; and requests for attorney general opinions. These services will be provided on request to legislators and as part of legislative meetings including partisan caucuses.

The staff of the LRC will not provide the following services: policy advocacy; writing speeches; writing press releases; compiling voting records; providing legal services to constituents or the public; and issuing official legal opinions.

Confidentiality

A communication between a legislator, a committee or caucus, and a staff member of the LRC relating to legislation, bill research, or a legislative issue is confidential if the communication is not intended to be disclosed to third persons. The confidentiality of a communication is held by the legislator, the committee, or the caucus and may not be waived

by the staff member. The confidentiality of the communication is maintained when the staff member discusses a confidential communication with another member of the LRC staff if the disclosure of the confidential communication is made to assist the staff member in providing professional services to the legislator, committee, or caucus.

A staff member may discuss with the legislator, committee, or caucus the need to disclose a confidential communication to another legislator or another person if the disclosure is reasonable and maintains the integrity of the confidentiality.

A legislator, committee, or caucus waives the confidentiality of a communication by disclosing the legislation, bill research, or legislative issue to other persons, the media, or by taking any action that is inconsistent with confidentiality.

Any other communication between a staff member and a legislator, committee, or caucus that is not material to providing professional services is not considered a confidential communication unless the legislator, committee, or caucus indicates a need for confidentiality.

Hours of Work

Normal Work Schedule: Normal office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Employees are expected to work forty (40) hours per week and eight (8) hours per day.

Office Hours during Interim: Working hours for each staff member during the interim are from 8:00 a.m. to 5:00 p.m., with one hour for lunch, unless a staff member's supervisor approves an alternative schedule in order to meet individual needs. Also, staff is expected to work more than eight hours, if necessary, to complete all assignments within designated deadlines.

Office Hours during Session: When the Legislature is in session, the office is open during any period in which committees are meeting and during any period in which House or Senate floor sessions are being held. No staff member should leave the office early for the day without approval from the staff member's supervisor or the director. Staff is expected to work the hours necessary to complete all assignments within designated deadlines, including staffing committees, floor sessions, or other legislative meetings as needed.

Probationary Period

Each employee who successfully completes the probationary period becomes a regular full-time employee.

The probationary period for an employee hired to fill a regular full-time position within the LRC is six-months from the employee's hire date. During this time, the quality and quantity of the employee's work is evaluated. If the employee does not perform adequately during the

probationary period, the employee will be dismissed with or without notice and without the right to appeal. However, the employee may appeal a dismissal made on the basis of discrimination.

The director may extend an employee's probationary period for an additional six-months if the director believes that the employee's performance will improve.

Performance Appraisal

Employee performance appraisals, in a manner determined by the director, are conducted annually for employee development or improving work performance. The first appraisal for a new employee is performed shortly before the employee completes his or her probationary period. Thereafter an employee's performance appraisal will be performed in the month of the anniversary of the employee's hire date.

The director may use the Performance Planning and Review (PPAR) system used by the State for LRC employee performance appraisal. The overall objective of the PPAR system is to provide an avenue of two way communication by which an employee and his or her supervisor can discuss mutual expectations, review performance, and plan future goals.

Anti-Harassment and Nondiscrimination Policy

The State of South Dakota and the LRC will not tolerate harassment, discrimination, or offensive behavior based on race, color, religion, national origin, sex (including pregnancy), age (40 years or older), genetic information, disability, or any other legally protected status or characteristic.

An employee must not engage in harassment, discriminatory, or offensive behavior. Additionally, because of the State's and the LRC's strong commitment to keeping the workplace free from harassing, discriminatory, and offensive behavior, each employee must avoid any conduct that could be viewed as harassing, discriminatory, or offensive even if the conduct does not violate federal or state law.

Harassment includes conduct that creates a hostile work environment or that results in a "tangible employment action," such as hiring, firing, promotion or failure to promote, demotion, work assignments, benefits, or compensation decisions. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the harassment is used as the basis for employment decisions affecting an individual; or (3) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment, discriminatory, or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid an employee in identifying inappropriate conduct, the following examples of harassment, discriminatory, or offensive behavior are provided (these examples are not all-inclusive):

- (1) Unwelcome physical contact such as kissing, fondling, hugging, or touching;
- (2) Demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- (3) Swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age, or disability;
- (4) Slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability; or
- (5) Calendars, posters, pictures, drawings, display, cartoons, images, lists, emails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age, or disability.

An employee who has a complaint of harassment, discriminatory, or offensive behavior by anyone, including supervisors, co-workers, or non-employees, should immediately notify his or her supervisor, a higher-level supervisor, the LRC's human resource representative, or the EEO officer for the Bureau of Human Resources at (605) 773-4918. The person who receives a harassment or discrimination complaint shall immediately report the matter to his or her supervisor (or a higher-level supervisor if his or her supervisor is allegedly involved in the harassment) and the LRC's human resource representative.

The State and the LRC will investigate all complaints. If the investigation supports charges of harassment, discrimination, a violation of this policy, or inappropriate behavior, appropriate corrective action will take place. The employee engaging in the improper behavior will be subject to discipline, up to and including termination.

The State and the LRC will protect the confidentiality of harassment or discrimination allegations to the maximum extent possible, and information will only be shared with those individuals who need to know. While the State cannot guarantee complete confidentiality because it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses, it will keep information as confidential as possible.

The State and the LRC will not tolerate the adverse treatment of an employee because the employee reports harassment, opposes discrimination in the workplace, participates in the complaint process, or provides information related to complaints. If an employee believes that he or she has been subjected to retaliation, the employee should immediately report the

alleged retaliation to his or her supervisor, a higher-level supervisor, the LRC's human resource representative, or the EEO officer for the Bureau of Human Resources.

In addition to reporting alleged harassment or discrimination to the State, an employee may file a charge of discrimination based on race, color, religion, national origin, sex, disability, or protected activity with the South Dakota Division of Human Rights (Human Rights) or may file a charge of discrimination based on race, color, religion, national origin, sex, age, disability, genetic information, or protected activity with the United States Equal Employment Opportunity Commission (EEOC). A charge of discrimination based on race, color, religion, national origin, sex, disability, or protected activity must be filed with Human Rights or with the EEOC within 300 days of the violation. A charge of age discrimination or discrimination based on genetic information must be filed with the EEOC within 180 days of the violation. These deadlines run from the last date of unlawful conduct and not from the date of the complaint to the State if resolved. Please contact the EEO officer for the Bureau of Human Resources at (605) 773-4918 or the LRC's human resource representative if you have any questions about harassment, unlawful discrimination, or this policy.

Paychecks

All employees are paid on the 1st and the 16th of each month. The State of South Dakota requires each employee to use the direct deposit system. An employee who does not have a bank account can elect to have a payroll card.

Health, Life, and Flexible Benefits

All employees in permanent positions of the State of South Dakota, who work 20 hours or more per week, at least six months of the year are eligible to participate in the South Dakota State Employee Health, Life, and Flexible Benefit Plans. An employee must complete the online Benefits Enrollment Form during the initial 30-day enrollment period.

PLEASE NOTE: The following summary information on health, life, and flexible benefits is a description of these benefits for the plan year beginning July 1, 2013, and ending June 30, 2014. For up to date information on these benefits, contact your human resource representative.

Health Plan

Employee health coverage is paid by the State. Dependent health coverage is the responsibility of the employee. Employees have four health plan options:

- (1) \$500 deductible plan, members must satisfy \$500 per person or \$1,250 per family of three or more before the plan begins paying benefits;
- (2) \$1,000 deductible plan, members must satisfy \$1,000 per person or \$2,500 per family of three or more before the plan begins paying benefits;
- (3) \$1,800 deductible HSA compatible plan, members must satisfy \$1,800 single coverage or \$3,600 per family of three or more before the plan begins paying benefits; or
- (4) Opt out of the health plan, members who opt out of the health plan must provide proof of other group health coverage and may receive a \$300 opt-out credit.

The employee will pay a tobacco-user fee if the employee or covered spouse use tobacco products.

To be eligible for the \$500 deductible plan in FY15, employees and covered spouses must complete a health screening and health assessment, and may participate in a latitude program during the designated time frames. Contact the benefits program for detailed information. Employees hired in FY14 do not need to complete the requirements for the \$500 deductible plan in FY15. Contact the benefits program for detailed information.

Coinsurance applies after you meet your deductible and after any copayment, if applicable. If you visit a network provider, the plan pays 75% and you pay 25%. For services provided by an out-of-network provider, the plan pays 65% and you pay 35%.

Each member is eligible for benefit maximums. Refer to the Health Summary Plan Description "Master Schedule" for benefit maximums.

For additional information about the Health Plans, contact the Bureau of Human Resources, Benefits Program at (605) 773-6546, or visit <http://benefits.sd.gov>.

Life Coverage

The State offers basic life coverage of \$25,000 to benefit eligible employees. In addition to the employer paid coverage, you may purchase additional amounts of supplemental life coverage of two to five times your annual salary level to a maximum value amount of \$400,000. If you enroll in supplemental life coverage, you may purchase dependent life coverage for your spouse and each eligible dependent. Employees who purchase supplemental life coverage automatically receive a basic long-term care benefit. For more

information about these additional benefits or other benefits, contact the Bureau of Human Resources, Benefits Program at (605) 773-6546.

Flexible Benefits Plans

Eligible employees may choose to participate in any or all of the following flexible benefits plans and spending accounts:

- (1) Dental care plan, provides benefits for eligible dental expenses;
- (2) Vision care plan, provides benefits for eligible vision expenses;
- (3) Major injury protection (MIP), provides a fixed-dollar benefit for certain accidental injuries, regardless of coverage under other Plans;
- (4) Hospital indemnity plan (HIP), provides a daily benefit during eligible preauthorized hospitalizations, regardless of coverage under other Plans;
- (5) Short term disability plan (STD), provides a benefit during eligible periods of disability (employee only coverage);
- (6) Medical expense spending account, provides pre-tax reimbursement for eligible expenses; or
- (7) Dependent care spending account, provides pre-tax reimbursement for eligible expenses.

Longevity Pay

Longevity pay is a reward for years of service to the LRC and State of South Dakota. It is a way to recognize experienced and dedicated state employees. Longevity pay is based on the total number of years worked for the state. The years of service need not be continuous. Employees with seven through ten years of service receive a \$100 longevity check once per fiscal year. The rate increases by \$5 per year in five-year increments.

For example, for years 11 through 14, the amount is \$10 times the years of service. For 15 through 19 years of service, the amount is \$15 times the years of service. [e.g. an employee with 14 years of service will receive a \$140 (\$10 x 14 years) longevity payment (minus deductions), and an employee who serves for 22 years will receive a \$440 (\$20 x 22 years) longevity payment (minus deductions).]

Compensatory Time

State legislative employees are exempt from the overtime compensation provisions of the Fair Labor Standards Act.

However, the LRC allows the accrual compensatory time off for an employee who works more than forty (40) hours in certain work weeks before and during the work weeks related to the legislative session. An employee with approved overtime will be allowed one hour compensatory time for each overtime hour worked during a week. Compensatory time may be accrued only with the prior approval of the employee's supervisor or the director.

Compensatory time off for all positions must be taken no later than the calendar quarter following the quarter in which the compensatory time was acquired.

Travel Reimbursement for Official Business

Reimbursable expenses may include:

- (1) Per diem rates, daily meal allowance;
- (2) Lodging, a set rate;
- (3) Transportation;
- (4) Air fare or actual mileage at the rate per mile if you choose to use your private automobile, whichever is cheaper;
- (5) Taxis, actual and necessary with receipts;
- (6) Telephone expenses considered for official business; and
- (7) Registration fees.

Holidays

Each employee in a full-time position in the LRC may receive his or her regular pay for ten legal holidays plus any other day proclaimed as a holiday by the Governor of South Dakota or the President of the United States.

The State of South Dakota recognizes the following holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	third Monday in January
Presidents' Day	third Monday in February

Memorial Day	last Monday in May
Independence Day	July 4
Labor Day	first Monday in September
Native Americans Day	second Monday in October
Veterans Day	November 11
Thanksgiving Day	fourth Thursday in November
Christmas Day	December 25

If a holiday falls on a Saturday, the preceding Friday is observed as the paid holiday. If a holiday falls on a Sunday, it is observed on the following Monday.

Vacation Leave

As a full-time employee, you will accumulate vacation leave credits of five (5) hours per semimonthly pay period and may accumulate a maximum of 240 hours. When you have completed 15 years of service, you receive 6.6667 hours of vacation leave per semimonthly pay period and may accumulate a maximum of 320 hours. Vacation leave may be granted to supplement other leaves of absence.

If you are new to state government employment, you may not use your annual leave until six months of service with the LRC have been completed. If you work less than 40 hours in a week or take leave without pay, the number of vacation leave credits earned is reduced in proportion to the number of hours worked.

Vacation leave credits commence with the date of employment.

Upon retirement or resignation, an employee with six months of continuous service will be paid for accumulated vacation leave.

If an employee is terminated for disciplinary reasons or for a reduction in force, the employee must take his or her vacation leave in a lump sum.

The employee's supervisor or the director must approve a request for annual leave before the employee takes the leave. A request for annual leave exceeding one week must be approved before the leave is taken. A request for vacation leave may not exceed the amount of vacation leave accumulated.

An employee continues to accumulate vacation leave credits while on paid leave of absence.

Sick Leave

Each full-time employee earns 4.6667 hours of sick leave each semimonthly pay period. There is no limit to the number of hours you can accumulate. Sick leave may be granted for personal illness or disability, pregnancy, exposure to a contagious disease that would

endanger the health of coworkers, eye or dental care, required medical examinations, counseling or treatment at approved centers for alcohol or drug abuse, or psychiatric care.

If you work less than 40 hours or take leave without pay, the number of sick leave credits earned will be reduced in proportion to the number of hours worked. The director of the LRC has the authority to investigate suspected misuse of sick leave. If you are guilty of misuse of sick leave, the time off will be charged to leave without pay. Misuse of sick leave may be cause for disciplinary action.

General provisions for Vacation and Sick Leave

These general provisions apply for the accumulation and use of vacation and sick leave:

- (1) If your employment is terminated during your first six months, you will not be paid for your accrued vacation leave;
- (2) You cannot use more vacation leave than you have accumulated;
- (3) Requests for leave other than sick leave must be approved by your immediate supervisor before you leave;
- (4) If you are ill, you must notify your supervisor before the start of your work day;
- (5) The amount of time you are absent from your job without prior authorization or notification will be considered absence without leave. You will not be paid for that time. Unauthorized or unreported absences may be cause for disciplinary action;
- (6) When you are terminating employment and are on vacation leave, you cannot use other types of leave;
- (7) Upon an employee's resignation, retirement, or layoff from employment, one-fourth of accumulated sick leave, up to 480 hours, will be paid to an employee who has been continuously employed in a full-time position by the LRC or the state for at least seven years. The accumulated leave is paid at the rate of pay as of the employee's last day on payroll.

Personal Leave

If necessary, you may use up to 40 hours per year of accumulated sick leave for personal leave. The use of this leave requires the prior approval of your supervisor or the director.

The leave may be used for:

- (1) A death in the immediate family, which is defined as your father, mother, spouse, children, mother-in-law, father-in-law, son-in-law, daughter-in-law, brothers, sisters, grandparents, grandchildren, stepbrothers, stepsisters, stepchildren, stepparents, or foster children;
- (2) The temporary care of members of the immediate family;
- (3) The birth or adoption of a child; and
- (4) A call to state active duty of military reserve or National Guard members.

Family and Medical Leave Act (FMLA)

The LRC and the Federal Family and Medical Leave Act of 1993 provide an eligible employee with up to 12 weeks of unpaid, job-protected family and medical (FMLA) leave each year for certain family and medical reasons or up to 26 weeks for a family caregiver of an injured or ill service member.

An employee is eligible if he or she has worked for at least one year and for 1,250 hours over the previous 12 months.

The calculation of the 12-month period for Family and Medical Leave Act purposes is measured forward from the date an eligible employee's first FMLA leave begins.

Reasons for Taking Leave

FMLA leave must be granted for any of the following reasons:

- (1) To care for the employee's child after birth, or placement for adoption or foster care. This leave must end within 12 months of the child's birth or placement;
- (2) To care for the employee's spouse, son or daughter (who is under eighteen years old, unless the son or daughter is not capable of self-care due to mental or physical disability), or parent, who has a serious health condition;
- (3) For a serious health condition that makes the employee unable to perform the employee's job;
- (4) A qualifying exigency arising out of the fact that a covered military member (a spouse, son, daughter, or parent) is on active duty or called to active duty status in support of a contingency operation (e.g. of reasons for leave: short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities); or

- (5) To care for a family member (spouse, son, daughter, parent, or next of kin) who incurred a serious injury/illness as a result of active military service (up to 26 weeks combined FMLA leave in a single 12-month period.)

Paid Versus Unpaid Leave

Employees may substitute eligible paid leave for unpaid leave during the FMLA period. To use paid leave during the FMLA period, the employee must meet all the leave requirements of that particular paid leave. For example, sick leave can only be used for the employee's own illness. The LRC requires an employee to use eligible paid leave before utilizing unpaid leave during the FMLA period. If the employee exhausts his or her eligible paid leave, then the remainder of the FMLA period is unpaid.

Advance Notice and Medical Certification

An employee is required to provide advance leave notice and medical certification. Taking of leave may be denied or delayed if requirements are not met. The employee ordinarily must provide 30 days advance notice when the leave is foreseeable. In other circumstances, the notice must be given as soon as practicable.

The LRC will require medical certification from your health care provider to support a request for leave because of a serious health condition, and may require second or third opinions, periodic recertification, periodic reports regarding the employee's status and intent to return to work, and a fitness for duty report to return to work. Failure to provide this information may result in disciplinary action.

Job Benefits and Protection

During FMLA leave, the LRC will maintain the employee's benefits coverage (such as health, life, and flexible benefits) at the same cost to the employee. The employee must pay his or her share of premiums, and if the employee fails to pay the premium, coverage will cease. If the employee is on leave without pay, the employee must contact the Bureau of Human Resources Benefits Program to make arrangements for the timely payment of premiums.

Upon return from FMLA leave, an employee will be restored to his or her original or equivalent position with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The state may recover its share of insurance premiums if the employee fails to return after taking leave under certain circumstances.

Failure to Return to Work

If an employee fails to return to work after FMLA leave is exhausted, the employee may be subject to disciplinary action or termination due to inability to perform the essential functions of the job.

Military Training Leave

A full-time LRC employee is entitled to Military Training Leave of up to 15 days per calendar year. An employee requesting military leave for training must obtain a written order from the commander of the employee's reserve or National Guard unit indicating dates of the training period. This notice is to be submitted to your supervisor at least 15 calendar days before you leave for training.

Court and Jury Leave

An employee in a full-time position is eligible for court and jury leave. The employee shall immediately notify the employee's supervisor if the employee expects to be absent from work due to court and jury obligations. Absences will be administered as follows:

- (1) Testifying in official capacity. If an employee is subpoenaed by either party to testify in any civil or criminal proceeding because of the employee's official capacity or is instructed by the LRC director to testify in an official capacity without being subpoenaed, the employee shall receive the employee's regular salary without loss of leave credits and may receive actual expenses according to state rates, but may not receive witness fees;
- (2) Subpoenaed to testify in non-official capacity. If an employee is subpoenaed to testify in court in a non-official capacity and is not a party to the case, the employee shall receive the employee's regular salary from the LRC without loss of leave credits for the time spent testifying during regular working hours and may receive, in accordance with SDCL § 19-5-1 or any comparable federal law, witness fees and mileage from the party who issued the subpoena. However, the employee may not take court and jury leave for travel time or time when the employee is not reasonably expected to testify regardless of whether the employee has been subpoenaed for that period of time. If the employee is absent from the workplace while not testifying, the employee must use vacation leave or leave without pay. This leave must be requested in advance and is subject to the LRC director's approval;
- (3) Party or witness not subpoenaed to testify. If an employee is a party to or witness who has not been subpoenaed, the employee must use vacation leave or leave without pay. This leave must be requested in advance and is subject to the LRC director's approval; and

- (4) Service on jury. If an employee is summoned to serve on a jury, the employee shall receive the employee's regular salary without loss of leave credits for the time spent on jury duty during regular working hours and the per diem and mileage provided for by SDCL § 16-13-46 or any comparable federal law.

The LRC director may decide any question as to whether an employee is eligible for court and jury leave.

Leave of Absence Without Pay

Leave of absence without pay is any absence from duty for which time the employee is not entitled to paid leave. Prior permission must be obtained from the LRC director and the Personnel Subcommittee to take a leave of absence without pay. While on leave without pay, you will not accumulate leave credits and you must make provisions to pay for your voluntary payroll deductions.

An employee may be granted leave of absence without pay even if the employee has not used all of his or her accrued annual leave.

Absence Without Leave

An unauthorized or an unreported leave of absence is considered a leave of absence without pay and may result in a deduction of pay and may be cause for disciplinary action. You shall report the reason for any absence to your supervisor as soon as possible.

Tobacco Free Environment Policy

The State of South Dakota is dedicated to providing a healthy, comfortable, and productive environment for employees, clients, and visitors.

Smoking and the use of all tobacco products is prohibited on all real property or portions thereof owned by state government under the direction and control of the Governor or the Legislature and all real property leased by the state where the state is the sole occupant.

This policy applies to employees and visitors, and includes all vehicles, parking lots, and walkways leading into state buildings throughout South Dakota.

An employee who smokes may smoke outside during morning or afternoon breaks. An employee's smoking break may not exceed fifteen minutes during each four hour work period.

Drug Free Workplace Policy

The State of South Dakota has a drug free workplace policy for all state employees. As a condition of your employment with the state, you must agree to abide by the terms of this policy. The dangers of drug abuse in the workplace include: accidents and injuries; reduced productivity; absenteeism and increased health care costs; loss of public confidence in the State; and adverse effects on the abuser, family, friends, co-workers, and persons receiving services from the State. The policy prohibits the unlawful manufacture, dispensation, possession, or use of a controlled substance by an employee in the workplace. If you are convicted of a violation of a criminal drug law or admit in court to a criminal drug law violation, you will be subject to appropriate disciplinary action, which includes termination. You must comply with the arrest policy if you are arrested, charged, or believe you may be charged with any crime involving illegal drugs.

Arrest Policy

Any employee who has been arrested or charged with or has reasonable knowledge to believe he or she will be arrested or charged with: any felony; or any crime, including misdemeanors, involving a sex offense, illegal drugs, or illegal use of legal drugs shall immediately report this information to the director. The director shall immediately report this information to the Personnel Subcommittee. The employee may be disciplined, including termination, as a result of the arrest or for failing to follow this policy.

Speaking Engagements

As support staff for the Legislature, protocol requires that public speaking engagements and public appearances representing the LRC office or the Legislature be very limited. Requests for speaking at meetings must be approved by the director, who may seek the guidance of the chair of the Executive Board.

Prohibited Political Activity

LRC staff members are prohibited from participating in any political activity that compromises the ability of that person to discharge with neutrality, efficiency, and integrity his or her duties and obligations to the Legislature.

Prohibited political activities include, such activities as:

- (1) Being a candidate for or serving as an officer of a political party; a member of a national, state or local committee of a political party; or an officer or member of a committee of a partisan political club;
- (2) Organizing or reorganizing a political party organization or political club;

- (3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose;
- (4) Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a partisan candidate, a political party or political club;
- (5) Taking an active part in managing the political campaign of a partisan candidate for, or campaigning for, public office or political party office;
- (6) Becoming a partisan candidate for, or campaigning for, an elective public office;
- (7) Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office;
- (8) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or partisan candidate;
- (9) Driving voters to the polls on behalf of a political party or partisan candidate;
- (10) Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature or similar material;
- (11) Serving as a delegate, alternate or proxy to a political party convention;
- (12) Addressing a convention, rally or similar gathering of a political party in support of, or in opposition to, a partisan candidate for public office or political party office;
- (13) Initiating or circulating a partisan nominating petition;
- (14) Displaying a political picture, sticker, badge or button; or
- (15) Making a financial contribution to a political party or organization formed for the purpose of supporting any candidate for the Legislature or any statewide office.

Disciplinary Action

As an employee of the LRC you are considered to be an at-will employee and as such the director or the Personnel Subcommittee of the Executive Board may end your employment for any reason or no reason at any time. You may be disciplined or terminated for any of the infractions included on the following list.

Disciplinary action includes suspension without pay, reduction in salary, demotion, or termination.

The conduct that will lead to discipline includes conduct such as:

- (1) Violating statutes, rules, policy, directives, and work rules;
- (2) Committing any sex offense, any crime involving illegal drugs, or a felony;
- (3) Insubordination;
- (4) Disrupting the efficiency or morale of the LRC;
- (5) Being under the influence of a controlled drug or alcohol while at work;
- (6) Misuse or abuse of leave;
- (7) Engaging in outside business or personal activities on government time or using state property for non-government purposes;
- (8) Engaging in conduct that reflects unfavorably on the LRC or the Legislature, destroys confidence in the operations of legislative services, or adversely affects public trust in the LRC or the Legislature;
- (9) Poor attendance;
- (10) Negligence with state money or property;
- (11) Discrimination or harassment;
- (12) A false statement of material fact in the application process; or
- (13) Inability to perform the essential functions of the position.

Complaints

If an employee has a complaint about a decision, action, or nonaction of a supervisor or the director, the employee may submit within ten working days a written statement to the director outlining the alleged grievance. The director shall make a decision within ten days after receiving the written statement and provide the decision in writing to the employee, the immediate supervisor, or Personnel Subcommittee. During the legislative session the director will provide the decision to the Speaker of the House and the President Pro Tempore of the Senate instead of the Personnel Subcommittee.

If the employee is dissatisfied with the decision of the director, the employee may request that the Personnel Subcommittee review his or her personnel file and the decision. If the

Personnel Subcommittee denies the request to review, the action of the director is final. If the Personnel Subcommittee agrees to review the employee's personnel file and the decision, the Personnel Subcommittee may conduct a hearing. If the Personnel Subcommittee agrees with the director, no further action is required. However if the Personnel Subcommittee finds an abuse of discretion, the Personnel Subcommittee may modify the decision of the director. During the legislative session the review and decision making will be performed by the Speaker of the House and the President Pro Tempore of the Senate instead of the Personnel Subcommittee. The Speaker of the House and the President Pro Tempore of the Senate must both agree regarding any decision.

Resignation and Retirement

If you decide to leave your position with the LRC, even if it is to accept another position with the State of South Dakota, you are asked to give your supervisor a written notice of intent at least two weeks before the date you plan to leave. However, the LRC may accept your verbal resignation or written resignation with less than two weeks' notice.

To be eligible for unreduced retirement benefits, normal retirement age is 65 with at least three years of credited service under the South Dakota Retirement System (SDRS). Your normal retirement date is the first of the month of your 65th birthday. However, there is no mandatory retirement age in state government.

There are several opportunities to retire before your normal retirement date, depending on your age and years of service. SDRS also provides disability coverage for employees who have three years of credited service or for employees who are accidentally disabled while performing the usual duties of their job. If you cannot work because of a disability that is expected to last one year or longer, you may be eligible to receive a monthly benefit from SDRS.

For additional information regarding your retirement benefits, contact the SDRS.

Dress

In order to maintain a professional image, staff will use common sense and dress according to the work environment, task performed, or function attended. The director may prohibit the wearing of any item of dress deemed by the director to violate the business attire or casual dress standard.

Nepotism

Without specific approval by the Executive Board or the director, an employee may not serve in a position where the employee would supervise or receive supervision from a member of the employee's immediate family.

Change of Address

It is the employee's responsibility to update any change in a home address or telephone number.

Outside Employment

You may have outside employment provided that, in the opinion of the director, there is not a conflict with your working hours, your work efficiency, or with the interests of the legislature. You must check with the director before accepting other employment.

Workers' Compensation

If you are injured or contract a disease as a result of or in the course of your employment, you must report it as soon as possible. Within three business days of the occurrence, you must report in writing the circumstance of the injury or disease to your supervisor as well as to the person responsible for filing the Employer's First Report of Injury. Then, within seven days, not counting Sundays and legal holidays, after the employer has knowledge of the occurrence of an injury, the Employer's First Report of Injury must be filed with the Workers' Compensation Program at the Bureau of Human Resources. Failure by the employee to file the claim on time may result in denial of the claim. You should keep in contact with your human resource representative to ensure a claim is properly filed.